HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 28341 OF 1997

Between:

K. Tirupathi Rao

… Petitioner

and

The Branch Manager, SBI and another

… Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO.28341 OF 1997

ORAL ORDER:

Heard Sri K.S. Mallikarjuna Rao, learned counsel for the petitioner and Sri K. Gopala Krishna Murthy, learned Standing Counsel for the respondent-Bank.

The petitioner was engaged as a Messenger with the Gajapathinagaram Branch of the State Bank of India in November 1989 and worked for a few months till April, 1991. His grievance is that his services were neither regularized nor was he allowed to work from April 1991 onwards. The petitioner would contend that an application form was given to him for being appointed as a Messenger on permanent basis and that, on 14.8.1991, he submitted the duly filled in application form along with relevant certificates.

His grievance is that, despite submitting the form furnished to him by the Bank, he has not yet been called for interview. The petitioner would contend that he is qualified for being appointed and was entitled to be appointed to the post of Messenger, lying vacant in the Gajapathinagaram Branch. Apprehending that the said post would

be filled up, he has approached this court.

No scheme of regularization, which entitles him to be so appointed, has been placed before this court. The mere fact that the petitioner worked for some months between November 1989 till March 1991 would not confer on him any benefit to seek regularization ***[SECRETARY, STATE OF KARNATAKA V. UMA DEVI (2006) 4 SCC 1].***

Sri K.S. Mallikarjuna Rao, learned counsel for the petitioner, would submit that, since the petitioner has been furnished an application form by the respondent-Bank, it must be presumed that a scheme of 'regularization' exists.

The mere fact that an application form was furnished to the petitioner does not necessitate any such inference. Since no right accrues in the petitioner's favour to seek absorption/regularization in service, the mere fact that he had worked for some time would not entitle him to the relief sought for in the writ petition. It is also relevant to note that, while the services of the petitioner are said to have been disengaged from April 1991 onwards, the petitioner has chosen to invoke the jurisdiction of this court after an undue delay of 6 years. No explanation, much less a reasonable explanation, has been furnished for the inordinate delay in invoking the jurisdiction of this court under Article 226 of the Constitution of India.

The writ petition fails and is accordingly dismissed. No order as to costs.

RAMESH RANGANATHAN, J

DATE: 28.2.2007

cvm